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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,596

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William A. McCarty

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EXAMINER

REGO, DOMINIC E

ART UNIT

PAPER NUMBER

2618

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,596	<b>Applicant(s)</b> MCCARTY ET AL.	
	<b>Examiner</b> Dominic E. Rego	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 67-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 67-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/12/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lokoff (*US Patent #6,754,354*).

**Regarding claim 1**, Lokoff teaches an apparatus for receiving an audio signal via a network (Figure 1, receiving an audio signal from the transmitter 2 to receiver 4), the apparatus comprising:

a housing (Figure 1, element 4 is a receiver which have housing);

a receiver module (Figure 1, receiver 4) located in the housing and configured to receive a combined signal via a network and extract a control signal and an audio signal from the combined signal (Col 2, line 49-60);

a plug coupled to the housing and configured for insertion into an electrical receptacle (inherent in all receiver);

a power supply in the housing, coupled to the plug and configured to distribute electrical energy to the receiver module (A power supply must need to the receiver in order to distribute the audio signal to the speaker, so it's inherent);

and an output wire configured to couple the housing to an output device (inherent in all receiver).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341).

**Regarding claim 2**, Lokoff teaches all the claimed elements in claim 1, except for the apparatus, wherein the housing further incorporates an address switch configured for selecting an address from a plurality of addresses.

However, in related art, Takahashi teaches the apparatus, wherein the housing further incorporates an address switch configured for selecting an address from a plurality of addresses (Col 2, line 12-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the housing further incorporates an address switch configured for selecting an address from a plurality of addresses, as taught by Takahashi, in the Lokoff device in order to transfer the audio signal to selected destination.

**Regarding claims 34 and 35**, the combination of Lokoff and Takahashi teach all the claimed elements in claim 2. In addition, Lokoff teaches the apparatus, wherein the output device is a loudspeaker and is a headphone (Abstract: Audio system can be connected to a loudspeaker and also to a headphone, so it's well known to the art).

Claims 3,30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) and further in view of Robbin et al. (US Patent Application Publication #20030095096).

**Regarding claims 3,30 and 31**, the combination of Lokoff and Takahashi teach all the claimed elements in claim 2, except for the apparatus, wherein the housing further incorporates a power switch configured to select an off state or on state for the receiver module.

However, in related art, Robin teaches the apparatus, wherein the housing further incorporates a power switch configured to select an off state or on state for the receiver module (Paragraph 0038).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the housing further incorporates a power switch configured to select an off state or on state for the receiver module, as taught by Robbin, in the combination of Lokoff and Takahashi's device in order to lit the light on or off state when the receiver module receive the transmitted signals from the transmitter.

Claims 4,5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) and further in view of Yang et al. (US Patent #6,445,369).

**Regarding claim 4**, the combination of Lokoff, Takahashi, and Robbin teach all the claimed elements in claim 3, except for the apparatus, wherein the housing further, incorporates an amplifier configured to amplify the audio signal based in part upon the control signal, wherein the power supply is further configured to provide power to the amplifier.

However, in related art, Yang teaches the apparatus, wherein the housing further, incorporates an amplifier configured to amplify the audio signal based in part upon the control signal, wherein the power supply is further configured to provide power to the amplifier (Col 4, line 29-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the housing further, incorporates an amplifier configured to amplify the audio signal based in part upon the control signal, wherein the power supply is further configured to provide power to the amplifier, as taught by Yang, in the combination of Lokoff, Takahashi, and Robbin device in order to receive applied signals by the audio speaker.

**Regarding claim 5**, the combination of Lokoff, Takahashi, Robbin and Yang teach all the claimed elements in claim 4. In addition, Yang teaches the apparatus, wherein the housing further incorporates a light emitting diode power indicator configured to emit light when the power supply is providing electrical energy to the receiver module (Col 3, line 7-17).

**Regarding claim 6**, the combination of Lokoff, Takahashi, Robbin and Yang teach all the claimed elements in claim 4. In addition, Yang teaches the apparatus, wherein the housing further incorporates a light emitting diode receiver indicator configured to emit light when the receiver module is receiving the combined signal (Col 5, line 33-47).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) in view of Yang et al. (US Patent #6,445,369) and further in view of Inada et al. (US Patent Application Publication #20040097851).

**Regarding claim 7**, the combination of Lokoff, Takahashi, Robbin, and Yang teach all the claimed elements in claim 6, except for the apparatus, wherein the housing further incorporates a Digital Signal Processor (DSP) module configured to manipulate the audio signal based on the extracted control signal.

However, in related art, Inada teaches the apparatus, wherein the housing further incorporates a Digital Signal Processor (DSP) module configured to manipulate the audio signal based on the extracted control signal (Paragraph 0117).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the housing further incorporates a Digital Signal Processor (DSP) module configured to manipulate the audio signal based on the extracted control signal, as taught by Inada, in the combination of Lokoff, Takahashi, Robbin, and Yang device in order to send the noise free signal to the plurality of the speakers.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) in view of Yang et al. (US Patent #6,445,369) in view of Inada et al. (US Patent Application Publication #20040097851) and further in view of Kitamura (US Patent Application Publication #20040131193).

**Regarding claim 8**, the combination of Lokoff, Takahashi, Robbin, Yang and Inada teach all the claimed elements in claim 7, except for the apparatus, wherein the amplifier is a digital amplifier configured to digitally amplify the audio signal.

However, in related art, Kitamura teaches the apparatus, wherein the amplifier is a digital amplifier configured to digitally amplify the audio signal (Paragraph 0002).



Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the amplifier is a digital amplifier configured to digitally amplify the audio signal, as taught by Kitamura, in the combination of Lokoff, Takahashi, Robbin, Yang and Inada device in order to receive digital sound by the speakers.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) in view of Yang et al. (US Patent #6,445,369) in view of Inada et al. (US Patent Application Publication #20040097851) and further in view of Son et al. (US Patent Application Publication #20040062270).

**Regarding claim 9**, the combination of Lokoff, Takahashi, Robbin, Yang and Inada teach all the claimed elements in claim 7, except for the apparatus, wherein the combined signal includes an address signal which is associated with the output device.

However, in related art, Son teaches the apparatus, wherein the combined signal includes an address signal which is associated with the output device (Paragraph 0027).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the combined signal includes an address signal which is associated with the output device,

as taught by Son in the combination of Lokoff, Takahashi, Robbin, Yang and Inada device, in order to send the audio signal to the desired destination.

Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) and further in view of Karny et al. (US Patent Application Publication #20020145509).

**Regarding claims 10-14**, the combination of Lokoff and Takahashi teach all the claimed elements in claim 2, except for the apparatus, wherein the networks are wired, powerline, wireless, RF, and IR.

However, in related art, Karny teaches the apparatus, wherein the network is wired, powerline (paragraph 0017), wireless, RF, and IR (paragraph 0019).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the networks are wired, powerline, wireless, RF, and IR, as taught by Karny, in the combination of Lokoff and Takahashi device in order to send the signals in variety of ways to the network.

Claims 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) and further in view of Vogt et al. (US Patent #5,491,755).

**Regarding claim 15-24**, the combination of Lokoff and Takahashi teach all the claimed elements in claim 2, except for the apparatus, wherein the control signals are analog, digital, volume level, balance level, fader level, sub-bass level, destination source, sound processing selection and wherein the audio signal is digital.

However, in related art, Vogt teaches the apparatus, wherein the control signals are analog (Col 1, line 59-Col 2, line 5), volume level, balance level, fader level, sub-bass level (Col 3, line 55-Col 4, line 5), destination source, an address (All the receivers includes destination source to send the signals to the different speakers or addresses, so it's inherent), sound processing selection (tone control) (Col 3, line 31-38), and

Wherein the audio signal is digital (Col 1, line 6-9)

Wherein the control signal is an equalizer level (Col 3, line 9-22: All of the symbol description are an equalizer level)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the control signals are analog, digital, volume level, balance level, fader level, sub-bass level, destination source, sound processing selection and wherein the audio signal is digital, as taught by Vogt, in the combination of Lokoff and Takahashi device in order to receive desired sound from the speakers.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) and further in view of Bonke et al. (US Patent #5,661,848).

**Regarding claim 26 and 27**, the combination of Lokoff and Takahashi teach all the claimed element in claim 2, except for the apparatus, wherein the control signal is a power on and a power off.

However, in related art, Bonke teaches the apparatus, wherein the control signal is a power on and a power off (Col 11, line 37-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the control signal is a power on and a power off, as taught by Bonke, in the combination of Lokoff and Takahashi device in order to control the receiver.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokoff (US Patent #6,754,354), in view of Takahashi (US Patent #5,428,341) and further in view of Paschen et al. (US Patent Application Publication #20020135513).

**Regarding claim 28 and 29**, the combination of Lokoff and Takahashi teach all the claimed element in claim 2, except for the apparatus, wherein the control signal is a time delay and a phase delay.

However, in related art, Paschen teaches the apparatus, wherein the control signal is a time delay and a phase delay (Col 6, claim 17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the apparatus, wherein the

control signal is a time delay and a phase delay, as taught by Paschen, in the combination of Lokoff and Takahashi device in order to balance the audio signal to other speakers in the system.

**Regarding claim 32 and 33,** The apparatus, wherein the control signal is in an I<sup>2</sup>C format and the audio signal is in an inter IC sound (I<sup>2</sup>S) format (Both of the formats are well known in the art).

Claims 67-101 are rejected for the same reason as set forth in claims 1-35.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swix et al. (US Patent Application Publication #20040250273) teaches digital video broadcast device decoder.

Gharpatetian (20020101357) teaches system for transmitting control commands to electronic devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego



9/18/06

PHILIP J. SOBUTKA  
PATENT EXAMINER